

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

ANITA MALONEY)
Plaintiff,) Civil Action No: 1:24-cv-11718
v.)
UNITED STATES POSTAL SERVICE) **COMPLAINT FOR
COMPENSATORY RELIEF;**
Defendant.)

)

The plaintiff, Anita Maloney, by and through the undersigned counsel, file this
Complaint for relief, and in support thereof, alleges as follows:

INTRODUCTION

This is a civil action brought in the nature of a premise liability claim for compensatory relief against the United States Postal Service for causing the plaintiff Anita Maloney to sustain serious injury on July 12, 2021.

JURISDICTION

1. This action is brought against the defendant, and those acting under them, for failing to maintain the post office at 120 Commercial Street, Brockton, Massachusetts 02302, reasonably safe of foreseeable hazards and causing the plaintiff to sustain injuries.
2. This Court has jurisdiction under 28 U.S.C. §§ 2674 (Liability of United States); and 1346(b)(1) (United States as defendant).

VENUE

3. Venue is proper in the District of Massachusetts under 28 U.S.C. § 1331(e)(1) because a "substantial part of the events or omissions giving rise to the claim occurred," in said district.

PARTIES

4. Plaintiff, Anita Maloney ("Ms. Antia Maloney"), is a United States Citizen born October 31, 1934, and is a resident of Brockton, Massachusetts. She currently resides at 730 East Ashland St. Brockton, Massachusetts, 02302.
5. The United States Postal Service ("USPS") is an independent agency for the executive and is responsible for providing postal service across the United States. The agency operates post offices to aid patrons in attaining postal services. The USPS was in control of the post office at 120 Commercial Street, Brockton, Massachusetts, 02302.

EXHAUSTION OF REMEDIES

6. The plaintiff has exhausted her administrative remedies. Pursuant to 28 C.F.R. § 14.2(a), the plaintiff, by and through the undersigned counsel, sent through certified mail a notice of presentment, notice of claim, and Standard Form 95 on June 27, 2023.
7. The defendant sent a response on October 2, 2023, requesting additional information.
8. The Plaintiff, by and through the undersigned counsel, sent through certified mail an amended notice of presentment, notice of claim, and a revised Standard Form 95 on December 7, 2023.
9. The defendant has yet to respond to the last correspondence between the parties.

10. Pursuant to 28 C.F.R. § 14.2(c) and 28 U.S.C. §§ 2674(a), more than six months has passed since the claim has been presented to the agency and the agency has not made a final disposition. The plaintiff now seeks to file this civil claim.

FACTUAL ALLEGATIONS

11. On July 12, 2021, Ms. Antia Maloney went to the Post Office at 120 Commercial Street in Brockton, Massachusetts at or about 10:00 a.m.

12. As Ms. Maloney walked into the lobby of the post office she turned left to walk toward a separate room. As she was walking, she slipped and fell on the wet floor.

13. At the time of the incident, it was raining and there were no mats in the lobby to protect patrons from wet floors.

14. The weather records show that it had been raining heavily from about 9:54 a.m. to light rain around 10:30 a.m.

15. Ms. Maloney suffered from a fractured Patella and left knee. Ms. Maloney has incurred approximately \$78, 518.11 in medical expenses.

CLAIMS FOR RELIEF

16. The allegations in paragraphs 1-15 are re-alleged and incorporated herein.

17. The defendant had a duty as owner and operator of the building to maintain the building reasonably safe from foreseeable hazards. *Goldman v. United States*, 790 F.2d 181 (1st Cir. 1986)

18. The defendant was aware or should have been aware of the hazardous condition because the previous rain combined with the foot traffic of other patrons made the floor conditions wet and hazardous.
19. The defendant was in breach of that duty by failing to address the wet floors to keep patrons reasonably safe from the foreseeable hazards of a wet floor.
20. The breach of duty caused the plaintiff to slip on the wet floor when she walked into the lobby of the post office at 120 Commercial Street in Brockton, Massachusetts.
21. The plaintiff sustained serious injuries as a result of slipping on the wet floor of the post office at 120 Commercial Street in Brockton, Massachusetts.

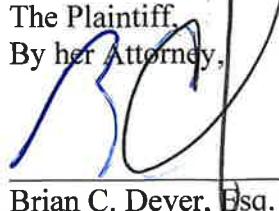
PRAYER FOR RELIEF

WHEREFORE, the plaintiff prays that this Honorable Court grant the following relief:

- a) Assume jurisdiction over this matter;
- b) Declare that the defendants are liable for Ms. Anita Maloney's injuries;
- c) Award compensatory damages for the medical expenses incurred in the amount of \$78,518.11;
- d) Award compensatory damages for pain and suffering;
- e) Retain jurisdiction over this case to ensure compliance with this Court's orders;
- f) Grant any other and further relief that the Court deems just and proper.

Respectfully submitted,

The Plaintiff
By her Attorney,



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